

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DARREN DEON JOHNSON  
#753595,

Case No. 1:20-cv-00802-PLM-PJG

Plaintiff,

Honorable Paul L. Maloney

v.

SHERRY BURT, et al.,

Defendants.

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**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON  
APPEAL**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. The Court dismissed Plaintiff's action on August 6, 2021 (ECF Nos. 39, 40). Plaintiff has filed a motion to proceed on appeal in forma pauperis. When the Court dismissed Plaintiff's complaint, the Court certified that Plaintiff's appeal would not be taken in good faith. Because of that certification, Plaintiff is not eligible to proceed on appeal *in forma pauperis*. 28 U.S.C. § 1915(a)(3).

Plaintiff is informed that within 28 days from the date of this notice he must submit the \$505.00 filing fee or he must file in the United States Court of Appeals for the Sixth Circuit a motion for leave to proceed *in forma pauperis*, a certified copy of a prisoner trust account statement, and an affidavit of indigence. 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 609 (6th Cir. 1997), *overruled in other part by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Plaintiff is also notified that if he fails to pay the filing fee or to file the required documents as described above, the Court of Appeals may dismiss his appeal for failure to prosecute under Rule 3 of the Federal Rules of Appellate Procedure. *See McGore*, 114 F.3d at 610. In that case, this Court will assess the entire filing fee, which will be payable in full regardless of the previous dismissal. *See id.* In addition, the appeal will not be reinstated even if Plaintiff subsequently pays the filing fee or requests to proceed as a pauper. *See id.* Accordingly,

**IT IS ORDERED** that leave to proceed in forma pauperis on appeal is **DENIED** and Plaintiff must seek leave to appeal in forma pauperis in the Sixth Circuit Court of Appeals or pay the filing fee as stated above.

Dated: September 22, 2021

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge

**SEND REMITTANCES TO:**

Clerk, U.S. District Court  
399 Federal Bldg.  
110 Michigan St., N.W.  
Grand Rapids, MI 49503

**All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”**